

[counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA (DMR)

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: June 20, 2012

Time: 11:00 a.m.

Dept.: Courtroom 9, 19th Floor

Judge: Honorable William Alsup

1 Pursuant to the Court's May 31, 2012 Order (ECF 1204), Oracle America, Inc. and
2 Google Inc. jointly submit this statement of issues to be covered at the case management
3 conference on June 20, 2012.

4 **1. Statutory Damages for Copyright Infringement**

5 The Court has asked "whether the amount of statutory damages for copyright
6 infringement should be decided now or at a later date." (ECF 1204.) The parties are meeting and
7 conferring regarding statutory damages and hope to present a stipulation resolving the issue at the
8 conference.

9 **2. Issuance of Final Judgment**

10 As all outstanding claims and counterclaims have now been resolved by the jury's verdicts
11 and the Court's subsequent orders, the parties request that the Court enter final judgment in this
12 matter. Attached hereto are two alternative forms of a proposed Final Judgment (with a
13 placeholder for a statutory damages amount), reserving all rights to appeal any part of the
14 judgment and subject to all prior agreements among the parties.

15 **3. Fees related to Dr. Iain Cockburn's third damages report**

16 In a January 20, 2012 order, the Court directed Oracle to reimburse Google for "[a]ll
17 attorney's fees, expert fees, and other expenses reasonably incurred by Google as a result of
18 allowing a third damages study by Oracle." Jan. 20, 2012 Order [Dkt. 702] at 3, para. 8. After
19 Dr. Cockburn served his third report, Google filed a further Daubert motion, which the Court
20 heard on March 7, 2012. Following that hearing, the Court entered a March 13, 2012 order, [Dkt.
21 785], granting Google's motion in part and directing the parties to submit further briefs regarding
22 "how Dr. Cockburn's report could calculate a reasonable royalty for each individual patent in
23 light of the items stricken by this order." *Id.* at 19. The parties then drafted and submitted those
24 further briefs on March 19, 2012. The sole issue in dispute between the parties is whether the
25 fees and costs Google incurred in preparing and drafting its March 19, 2012 brief are recoverable
26 under the January 20, 2012 order as fees and costs "reasonably incurred by Google as a result of
27 allowing a third damages study by Oracle."

1 **4. Fees related to Dr. Kearl's damages report**

2 The parties agree that, to the best of their knowledge, Dr. Kearl has been paid in full for
3 his work to date on this matter aside from his most recent June 8, 2012 bill which is currently
4 being processed for payment.

5 **5. Taxable costs**

6 Google states that, as the prevailing party, it intends to seek its costs in this matter. Oracle
7 will be prepared to address this issue at the conference.

1 Dated: June 18, 2012

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2 By: /s/ Michael A. Jacobs

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ATTESTATION

I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this
JOINT CASE MANAGEMENT CONFERENCE STATEMENT. In compliance with General
Order 45, X.B., I hereby attest that Robert A. Van Nest has concurred in this filing.

Date: June 18, 2012

/s/ Michael A. Jacobs